

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

STEPHEN MONTALTO

PLAINTIFF

VS.

CIVIL ACTION NO. 3:06CV444 TSL-JCS

VIACOM INTERNATIONAL, INC.  
AND ITS PARENTS AND SUBSIDIARIES  
AND JOHN DOES 1 THROUGH 10

DEFENDANTS

ORDER

This cause is before the court on the report and recommendation of Magistrate Judge James C. Sumner entered on February 15, 2008, recommending that defendant's motion to dismiss based on plaintiff's failure to participate in discovery be denied. Having reviewed the report and recommendation and finding it correct, the court hereby adopts it as its own opinion.

Based on the foregoing, it is ordered that the report and recommendation of United States Magistrate James C. Sumner entered on or about February 15, 2008, be, and the same is hereby, adopted as the finding of this court.

Accordingly, it is further ordered that defendant's motion to dismiss is denied.

SO ORDERED this 19th day of February, 2008.

\_\_\_\_s/ Tom S. Lee \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

